

REMARKS

With this amendment, the pending claims are claims 16-34. In the Office Action, the Examiner objected to the disclosure. The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by the Japan '606 reference (JP 63-61606). The Examiner rejected claims 1, 16-18, 20, 21, and 25 under 35 U.S.C. § 103(a) as being unpatentable over the Japan '606 reference in view of the Yamaoka et al. patent (U.S. Patent No. 4,773,459) and either the Japan '704 reference (JP 60-193704) or the Croyle et al. patent (U.S. Patent No. 5,529,101). The Examiner rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over the Japan '606 reference in view of the Yamaoka et al. patent and either the Japan '704 reference or the Croyle et al. patent and further in view of the Great Britain '795 reference (GB 1,212,795). The Examiner rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over the Japan '606 reference in view of the Yamaoka et al. patent and either the Japan '704 reference or the Croyle et al. patent and further in view of the Japan '314 reference (JP 11-91314). The Examiner rejected claim 23 under 35 U.S.C. § 103(a) as being unpatentable over the Japan '606 reference in view of the Yamaoka et al. patent and either the Japan '704 reference or the Croyle et al. patent and further in view of a Pirelli Tire Review advertisement or the Kuze et al. patent (U.S. Patent No. 5,016,695). The Examiner objected to claim 24 but indicated that this claim would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicants address each of these rejections and objections below in turn.

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Objection to the Specification

The Examiner objected to the specification because a paragraph added in the Preliminary Amendment dated December 28, 2001, referred to "claim 1." As shown above, Applicants have amended this paragraph to replace "claim 1" with "the present invention." No new matter has been added by this amendment. Applicants submit that the Examiner's objection has been overcome.

Applicants have also amended other paragraphs of the specification to correct typographical errors. No new matter has been added by these amendments.

35 U.S.C. §§ 102(b) and 103(a): Claim 1

The Examiner rejected claim 1 under § 102(b) as being anticipated by the Japan '606 reference and under § 103(a) as being unpatentable over the Japan '606 reference in view of other references. As shown above, Applicants have canceled claim 1, thereby mooting the Examiner's rejections of this claim.

35 U.S.C. § 103(a): Claims 16-25

Of claims 16-25, claims 16 and 25 are independent and claims 17-24 ultimately depend from claim 16. The Examiner rejected claims 16-25 under § 103(a) as being unpatentable over at least the Japan '606 reference in view of the Yamaoka et al. patent and either the Japan '704 reference or the Croyle et al. patent.

Regarding these rejections, in part, the Examiner asserted that "it would have been obvious to one of ordinary skill in the art to provide the transverse grooves of Japan '606's high performance tire with varying depth in the central region as claimed since Yamaoka et al. suggests raising the bottoms of the transverse grooves of a high

performance tire . . . to improve drainage and prevent skid base from being reduce [sic, reduced] excessively." (*Office Action*, p. 3) (emphasis in original.)

To establish a *prima facie* case of obviousness, the Examiner must satisfy three requirements, one of which is to show that the prior art reference, or the combination of references, teaches or suggests all of the limitations of the claims. See, e.g., *In re Wilson*, 165 USPQ 494, 496 (C.C.P.A. 1970). However, none of the Japan '606 reference, the Yamaoka et al. patent, the Japan '704 reference, nor the Croyle et al. patent discloses or suggests, *inter alia*, "wherein at least one of the rows of the central blocks are separated from each other by transverse grooves having a bottom wall with an inclined profile decreasing towards one of the circumferential grooves," as recited in Applicants' amended claims 16 and 25.¹

The Yamaoka et al. patent is directed to a pneumatic low section tire. This patent states that "[t]he feature of the present invention is to form the transversal grooves in a raised bottom fashion [so that] each bottom surface 6 of each transversal groove 3-1 or 3-2 [is formed] with equilateral triangle shape slopes 5-2 in cross section." (Col. 3, lines 18-19.) In particular, the depth of the transversal grooves is the shallowest at the middle position of the grooves. (Col. 3, lines 56-57.) For example, as shown in FIG. 2, the bottom surface 5-2 of transversal groove 3-2 is formed so that its depth is shallowest at a middle position P and slopes down to the bottom of main grooves 2-3 and 2-2. (See col. 3, lines 36.)

¹ No new matter has been added by these amendments to claims 16 and 25. Support for these amendments may be found in the specification at, for example, page 8, line 26 - page 9, line 4; page 10, lines 26-27; and page 11, lines 17-19.

Thus, the bottom surfaces of the transversal grooves of the Yamaoka et al. patent do not have "an inclined profile decreasing towards one of the circumferential grooves," as recited in Applicants' claims 16 and 25. Instead, the transversal grooves of the Yamaoka et al. patent have the shallowest depth in its middle position, and the depth increases from that middle position to the sides of the transversal grooves, i.e., to main grooves 2-3, 2-2.

Applicants further assert that the remaining references, namely, the Japan '606 reference, the Japan '704 reference, and the Croyle et al. patent, also do not disclose or suggest at least "wherein at least one of the rows of the central blocks are separated from each other by transverse grooves having a bottom wall with an inclined profile decreasing towards one of the circumferential grooves."

For at least the foregoing reasons, Applicants submit that claims 16 and 25 are not obvious over the Japan '606 reference, the Yamaoka et al. patent, the Japan '704 reference, or the Croyle et al. patent, either alone or in combination, and thus are allowable over these references. Because claims 17-24 all ultimately depend from claim 16, these claims should be allowable over these references for at least the same reasons that claim 16 is allowable. See, e.g., M.P.E.P. § 2143.03 ("If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.") (*citing In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988)).

New Claims 26-33

As shown above, Applicants have added new claims 26-33. No new matter has been added by these claims. Because claims 26-33 all ultimately depend from either

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claim 16 or 25, these claims should be allowable over the cited references for at least the same reasons that claims 16 and 25 are allowable. See, e.g., M.P.E.P. § 2143.03.

New Claim 34

As also shown above, Applicants have added new claim 34. No new matter has been added by this claim. New claim 34 generally tracks the language of claim 16, but recites, *inter alia*, "wherein the central region comprises at least two rows of central blocks," and "wherein the central blocks are separated from each other by transverse grooves having a bottom wall with a shaped profile of variable depth, the groove bottom wall separating the central blocks of at least one row of said at least two rows of central blocks having an inclined profile decreasing towards one of the circumferential grooves." Applicants submit that new claim 34 is also allowable over the cited references.

Attorney Docket No.

Please note that the Attorney Docket Number for this case has changed from 07040.0115 to 05999.0115.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

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Please grant any extensions of time required to enter this response and charge
any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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